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Please find below and/or attached an Office communication concerning this application or proceeding.

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/053,174
Filing Date: November 13, 2001
Appellant(s): SIMPSON ET AL.

MAILED

JAN 0 5 2008

Technology Center 2600

Charles W. Grigglers
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 11/19/07 appealing from the Office action

mailed on 6/28/07

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6)   *Grounds of Rejection to be Reviewed on Appeal*

The appellant's statement of the grounds of rejection to be reviewed on appeal is

correct.

(7) **Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) **Evidence related Upon**

The following is a listing of the evidence (e.g., patents, publications, Official

Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

WO 01/031465   Tonkin   03/05/0

(9) **Grounds of Rejection**

1. Claims 1, 3-8, and 10-28 rejected under 35 U.S.C. 102(a) as being anticipated by

Tonkin et al. (WIPO Publication WO 01/031465).

  Regarding claim 1, Tonkin discloses a method comprising receiving, via at least one

network service (production hub 60), imaging data that is to be included in a booklet

(see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), prior to receiving said

imaging data, causing, via at least one network service, a user interface to be presented

on a client device, the user interface being configured to enable a user to select imaging

data for use in making a booklet, and wherein said receiving imaging data comprises

receiving user selection of said imaging data (see Figs. I, 3, 4, and 7-9, and page 6, line

27-page 7, line 23).; receiving, via the at least one network service, user input for

incorporating the imaging data into the booklet (page 6, line 27-page 7, line 23, and

page 12, line 25-page 14, line 25), building, via the at least one network service, a

booklet incorporating imaging data in accordance with the user input (see Figs. 3 and 4,

page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), printing the

booklet on a network accessible printer designated by user input (see Fig. 5, page 17,

lines 17-22, and page 19, lines 1-13).

Regarding claim 2, Tonkin discloses the method discussed above in claim 1, and

further teaches that prior to receiving the imaging data, causing, via at least one

network service, a user interface to be presented on a client device, the user interface

being configured to enable a user to select imaging data for use in making a booklet,

and wherein the receiving imaging data comprises receiving user selection of the

imaging data (see Figs. I, 3, 4, and 7-9, and page 6, line 27-page 7, line 23).

Regarding claim 3, Tonkin discloses the method discussed above in claim 2, and

further teaches that receiving user selection comprises receiving user selection of

multiple documents for use in building the booklet (see Figs. 1, 3, 4, and 7-9, and page

6, line 27-page 7, line 23).

Regarding claim 4, Tonkin discloses the method discussed above in claim 2, and

further teaches that the receiving user selection comprises receiving user selection of

multiple documents for use in building the booklet, the multiple documents being

retrievable from a user-associated, network accessible personal imaging repository (page 8, line 3-page 10, line 11, and page 25, line 16-page 26, line 3) and further comprising prior to the building, retrieving, via the at least one network service, the multiple documents from the personal imaging repository (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding claim 5, Tonkin discloses the method discussed above in claim 2, and further teaches that the acts of causing, receiving user selection, and receiving user input are respectively performed by multiple network services (page 6, line 13-page 8, line 2).

Regarding claim 6, Tonkin discloses the method discussed above in claim 1, and further teaches that the at least one network service is implemented, at least in part, by at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 7, Tonkin discloses the method discussed above in claim 1, and further teaches that at least one network service is implemented, at least in part, by at least one proxy server that serves as a proxy for at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 8, Tonkin discloses the method discussed above in claim 1, and further teaches of saving the booklet, via the at least one network service, in a personal imaging repository associated with the user (page 8, line 3-page 10, line 11, and page 25, line 16-page 26, line 3).

Regarding claim 10, Tonkin discloses one or more computer-readable media having stored thereon computer-readable instructions which, when executed by one or more processors (page 9, line 3-page 10, line 11), cause the processors to send content to a client device for execution by a client browser (page 14, line 15-page 16, line 5), the content enabling the client device to display a user interface that is configured to enable a user to select imaging data for use in building a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), provide, over a network, a user selection of imaging data for use in building the booklet (see Figs. I, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), provide, over the network, user input for incorporating the imaging data into the booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23 and page 12, line 25-page 13, line 24), and provide over the network, user input for designating a network location for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 11, Tonkin discloses the computer-readable media discussed above in claim 10, and further teaches that the instructions further cause the one or more processors to save, via the network, a booklet that has been built based on the user's input (see Figs. 1,3, 4, and 7-9, and page 6, line 27-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding claim 12, Tonkin discloses the computer-readable media discussed above in claim 10, and further teaches that the instructions further cause the one or more processors to print, via the network, the booklet on one or more accessible printers (see

Figs. I, 3, 4, and 7-9, and page 6, line 27-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding claim 13, Tonkin discloses the computer-readable media discussed above in claim 10, and further teaches that the instructions further cause the one or more processors to provide the user selection and the user input over a network comprising the Internet (see Figs. I, 3, 4, and 7-9, and page 6, line 13-page 7, line 23, and page 25, line 16-page 26, line 3).

Regarding claim 14, Tonkin discloses a method comprising causing, via at least one Web service (production hub 60), a user interface to be presented on a client device, the user interface being configured to enable a user to select imaging data for use in making a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via at least one Web service, a user selection of imaging data (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one Web service, user input for incorporating the imaging data into the booklet (page 6, line 27-page 7, line 23, and page 12, line 25-page14, line 25), building, via the at least one Web service, a booklet incorporating imaging data received from the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), and printing, via the at least one Web service, the booklet on a Web-accessible printer designated by the user (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 15, Tonkin discloses the method discussed above in claim 14, and further teaches of saving the booklet, via the at least one Web service, in a Web-

accessible location (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 16, Tonkin discloses the method discussed above in claim 14, and further teaches that the at least one Web service is implemented, at least in part, by at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 17, Tonkin discloses the method discussed above in claim 14, and further teaches that the at least one network service is implemented, at least in part, by at least one proxy server that serves as a proxy for at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 18, Tonkin discloses a method comprising receiving, via at least one Web service (production hub 60), a user selection of imaging data that is to used to build a booklet (see Figs. 1,3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one Web service, user input for incorporating the imaging data into the booklet (page 6, line 27-page 7, line 23, and page 12, line 25-page14, line 25), receiving, via the at least one Web service, user input for designating a network device for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13), and building, via the at least one Web service, a booklet incorporating imaging data received from the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding claim 19, Tonkin discloses the method discussed above in claim 18, and further teaches of providing the user, via the at least one Web service, options to print

the booklet on at least one Web-accessible printer and saving the booklet in a Web-accessible location (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 20, Tonkin discloses the method discussed above in claim 18, and further teaches that the at least one Web service is implemented, at least in part, by at a Web-accessible printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 21, Tonkin discloses the method discussed above in claim 18, and further teaches that the at least one Web service is implemented, at least in part, by at least one proxy server that serves as a proxy for at least one printer (see Figs. 1-5, page 6, line 13-page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 22, Tonkin discloses one or more computer-readable media having stored thereon computer readable instructions which, when executed by one or more processors (page 9, line 3-page 10, line 11), cause the processors to receive, via at least one Web service (production hub 60), a user selection of imaging data that is to used to build a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receive, via the at least one Web service, user input for incorporating the imaging data into the booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), receiving, via the at least one Web service, user input for designating a network device for printing the booklet (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13), and build, via the at least one Web service, a booklet incorporating imaging data received

from the user input (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding claim 23, Tonkin discloses a booklet-making method comprising browsing to a Web-accessible booklet-making service (production hub 60, see Figs. 1-9), specifying to the Web-accessible booklet-making service imaging data that is to be used to make a booklet and how that imaging data is to be used (see Figs. 3-9, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), constructing, via the Web-accessible booklet-making service, a booklet incorporating the image data (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24), and forwarding, from the Web-accessible booklet-making service, the booklet to a network printer designated by a user (see Fig. 5, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 24, Tonkin discloses the method discussed above in claim 23, and further teaches of printing the booklet via the Web-accessible booklet-making service (see Figs. 1-9, page 6, line 27-page 7, line 23, and page 12, line 25-page 13, line 24).

Regarding claim 25, Tonkin discloses a web service (production hub 60, see Figs. 1-9) comprising means, operably associated with the Web, for enabling a user to specify one or more Web-accessible documents for use in building a booklet (see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), means, operably associated with the Web, for enabling the user to specify one or more pages from the one or more documents and where the one or more pages will reside in the booklet (see Figs. 3-9, and page 6, line 27-page 7, line 23), means, operably associated with the Web, for enabling the user to designate a network printer for printing the booklet (see Fig. 5,

page 17, lines 17-22, and page 19, lines 1-13), and means, operably associated with

the Web, for building the booklet (see Figs. 3 and 4, page 6, line 27-page 7, line 23, and

page 12, line 25-page 13, line 24).

Regarding claim 26, Tonkin discloses the web service discussed above in claim 25,

and further teaches of means for printing the booklet (see Figs. 1-5, page 6, line 13-

page 8, line 2, page 17, lines 17-22, and page 19, lines 1-13).

Regarding claim 27, Tonkin discloses the web service discussed above in claim 25,

and further teaches of means for saving the booklet in a personal imaging repository

associated with the user (page 8, line 3-page 10, line 11, and page 25, line 16-page 26,

line 3).

Regarding claim 28, Tonkin discloses the method discussed above in claim 1, and

further teaches of prompting a user to choose a network-accessible printer for printing

the booklet from a plurality of available network-accessible printers (see Fig. 5, page 17,

lines 17-22, and page 19, lines 1-13).

(10) Response to argument

With regard to Applicant's argument that prior art of record does not teach prior to

receiving said imaging data, causing, via at least one network service, a user interface

to be presented on a client device, the user interface being configured to enable a user

to select imaging data for use in making a booklet, and wherein said receiving imaging

data comprises receiving user selection of said imaging data . Examiner disagrees with

Appellant's conclusion. Examiner asserts that Tonkin teaches prior to receiving said

imaging data, causing, via at least one network service, a user interface to be presented

on a client device, the user interface being configured to enable a user to select imaging

data for use in making a booklet, and wherein said receiving imaging data comprises

receiving user selection of said imaging data (see Figs. I, 3, 4, and 7-9, and page 6, line

27-page 7, line 23, which describe how a terminal or computer can access the

production hub which performs the creation of the booklet, and the terminal is enabled

to communicate with the production hub by receiving the downloaded executable code

to perform the data communication and access to the production hub, allow the user to

interface with the production hub using the interfaces as depicted in figures 5-9, and

figures 5 and 6, describe how the user can select the imaging data to be included in the

booklet). Also Fig, 4, depicts how the code which contains the user interface or software

that will allow the user to interact which clearly is shown that it is send or receive before

the user(s) can submit a request, and fig. 7, depicts how the user select an imaging

data for use in making a booklet.

With regard to Applicant's argument that Tonkin does not teach designate a network

accessible printer. Examiner disagrees with Appllellant's conclusion. Examiner asserts

that Tonkin teaches designate a network accessible printer *(see fig. 5, item 302, which*

depicts the different network printer within kinko's (such as Lexmark 1650, which clearly

is not a virtual printer, clearly the Kinko facility represent a network within the store that

aalows user(s) to select the desire printer).

With regard to Applicant's argument that prior art of record does not teach to send

content to client device for execution by a client browser, said content enabling the

client device to for use in building a bookets configured to enable a user to select

imaging data for use in building a booklet. Examiner disagrees with Appellant's

conclusion. Examiner asserts that Tonkin teaches sending content to a client device for

execution by a client browser (page 14, line 15-page 16, line 5, which depicts how a

browser is used to execute the search for the tool to communicate between the client

and the print facility), the content enabling the client device to display a user interface

that is configured to enable a user to select imaging data for use in building a booklet

(see Figs. 1, 3, 4, and 7-9, and page 6, line 27-page 7, line 23), provide, over a network,

a user selection of imaging data for use in building the booklet (see Figs. I, 3, 4, and 7-

9, and page 6, line 27-page 7, line 23), provide, over the network, user input for

incorporating the imaging   (reads on page 14, line 15 thru page 16, line 5) and :

display a user interface. Also Fig, 4, depicts how the code which contains the user

interface or software that will allow the user to interact which clearly is shown that it is

send or receive before the user(s) can submit a request, and fig. 7, depicts how the user

select an imaging data for use in making a booklet.

With regard to Applicant's argument that prior art of record does not teach that a

document production hub 60 or other device enables imaging data for use in building a

booklet. Examiner disagrees with Appellant's conclusion. Examiner asserts that Tonkin

teaches enabling imaging data use in building a booklet (reads on figs. 7-9, which

depicts how forms and different options can be use by the user in the production of

imaging data to be incorporated into the booklet.

that prior to

receiving said imaging data, causing, via at least one network service, a user interface

to be presented on a client device, the user interface being configured to enable a user

to select imaging data for use in making a booklet, and wherein said receiving imaging

data comprises receiving user selection of said imaging data . Examiner disagrees with

Applicant's conclusion. Examiner asserts that Tonkin teaches prior to receiving said

imaging data, causing, via at least one network service, a user interface to be presented

on a client device, the user interface being configured to enable a user to select imaging

data for use in making a booklet, and wherein said receiving imaging data comprises

receiving user selection of said imaging data (see Figs. I, 3, 4, and 7-9, and page 6, line

27-page 7, line 23, which describe how a terminal or computer can access the

production hub which performs the creation of the booklet, and the terminal is enabled

to communicate with the production hub by receiving the downloaded executable code

to perform the data communication and access to the production hub, allow the user to

interface with the production hub using the interfaces as depicted in figures 5-9, and

figures 5 and 6, describe how the user can select the imaging data to be included in the

booklet). Also Fig, 4, depicts how the code which contains the user interface or software

that will allow the user to interact which clearly is shown that it is send or receive before

the user(s) can submit a request, and fig. 7, depicts how the user select an imaging

data for use in making a booklet.

(11) Related Proceeding(s) Appendix
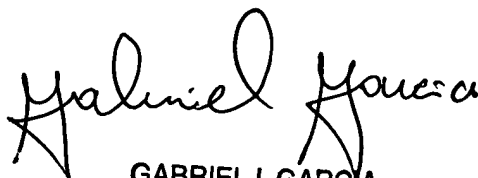
Appeal brief does not identify any related proceeding(s)

(12) Oral Argument

Appeal brief does not contain any oral arguments

Conclusion

For the above reasons, it is believed that the rejections should be sustained.
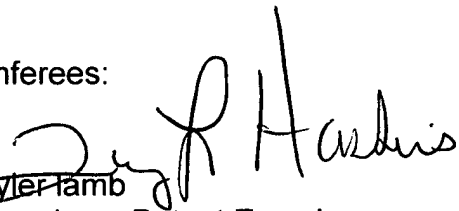
Respectfully submitted,

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Primary Examiner

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PRIMARY EXAMINER

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